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CR No. 06-60120-AA

Attorney for Darren Todd Thurston

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARREN TODD THURSTON,

Defendant.

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CR No. 06-60120-AA

PETITION TO ENTER PLEA
OF GUILTY, CERTIFICATE
OF COUNSEL, AND ORDER
ENTERING PLEA

The defendant represents to the court:

1. My name is Darren Todd Thurston. I am 36 years old. I have completed school through the 12th grade.
 2. My attorney is Daniel Feiner.
 3. My attorney and I have discussed my case fully. I have received a copy of the charging document, read it and discussed it with my attorney. My attorney has counseled and advised me concerning the nature of each charge, any lesser-included offenses, and the possible defenses I might have in this case. I am pleading guilty to a
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charge of Arson of a Government Building in violation of 18 USC § 844(f)(1). I have been advised and understand the elements of the crime to which I am pleading guilty are as follows:

Arson of a Government Building

In order to commit a violation of 18 USC § 844(f)(1) I must have done the following:

- a. Maliciously damaged or destroyed, or attempted to damage or destroy;
- b. By means of fire or explosive;
- c. A building, vehicle or other property owned possessed or leased to the United States or any department or agency thereof.

4. I know that if I plead "GUILTY," I will have to answer any questions the judge asks me about the offense to which I am pleading guilty. I also know that if I answer falsely, under oath, and in the presence of my attorney, my answers could be used against me in a prosecution for perjury or false statement.

5. I am not under the influence of alcohol or drugs. I am not suffering from any injury, illness or disability affecting my thinking or ability to reason.

6. I understand conviction of a crime can result in consequences in addition to imprisonment. Such consequences include removal from the United States, or denial of naturalization, if I am not a United States citizen; loss of eligibility to receive federal benefits; loss of certain civil rights (which may be temporary or permanent depending on applicable state or federal law), such as the right to vote, to hold public office, and to possess a firearm; and loss of the privilege to engage in certain

occupations licensed by the state or federal government.

7. I know I may plead "NOT GUILTY" to any crime charged against me and may maintain that plea if it has already been made. I know that if I plead "NOT GUILTY" the Constitution guarantees me:

- a. The right to a speedy and public trial by jury, during which I will be presumed to be innocent unless and until I am proven guilty by the government beyond a reasonable doubt and by the unanimous vote of twelve jurors;
- b. The right to have the assistance of an attorney at all stages of the proceedings;
- c. The right to use the power and process of the court to compel the production of evidence, including the attendance of witnesses in my favor;
- d. The right to see, hear, confront, and cross-examine all witnesses called to testify against me;
- e. The right to decide for myself whether to take the witness stand and testify, and if I decide not to take the witness stand, I understand that no inference of guilt may be drawn from this decision; and
- f. The right not to be compelled to incriminate myself.

8. I know if I plead "GUILTY" there will be no trial before either a judge or a jury, and I will not be able to appeal from the judge's denial of any pretrial motions I may have filed concerning matters not related to the court's jurisdiction.

9. In this case I am pleading "GUILTY" under rules 11(c)(1)(A) and/or 11(c)(1)(B). My attorney has explained the effect of my plea under those rules to be as follows: although the judge will consider the recommendations and agreements of both the prosecution and defense attorneys concerning sentencing, the judge is not

obligated to follow those recommendations or agreements. If the judge imposes a sentence different from what I expected to receive under the terms of my Plea Agreement with the prosecutor, I do not have a right to withdraw my plea.

10. I know the following minimum and maximum sentencing provisions apply to the crime to which I am pleading guilty:

- a. Five-year minimum sentence of imprisonment;
- b. Twenty-year maximum sentence of imprisonment;
- c. A fine of not more than \$250,000.

11. I know the judge, in addition to any other penalty, will order a special assessment as provided by law in the amount of \$100 per count of conviction.

12. I know that if I am ordered to pay a fine, and I willfully refuse to pay it, I can be returned to court, where the amount of the unpaid balance owed on the fine can be substantially increased by the judge and I can be imprisoned for up to one year.

13. My attorney has discussed the Federal Sentencing Guidelines and statutes with me. I know the Federal Sentencing Guidelines are advisory only but that a judge will consider them, as well as the factors listed in 18 USC § 3553(a), in determining my sentence. If my attorney or any other person has calculated a guideline range for me, I know that this is only advisory and only one of the factors the judge will consider in making a final decision as to what sentence will be imposed. I also know that a judge may not impose a sentence greater than the maximum sentence referred to in paragraph (10) above.

14. I know from discussion with my attorney that if I am sentenced to prison I

am not entitled to parole. I will have to serve the full sentence imposed except for any credit for good behavior I earn. I can earn credit for good behavior in prison at a rate of up to 54 days for each year of imprisonment served.

15. I know if I am sentenced to prison, the judge can impose a term of supervised release to follow the prison sentence. During my supervised release term a probation officer will supervise me according to terms and conditions set by the judge. In my case the period of supervised release can not exceed three years. If I violate the conditions of supervised release, I may be sent back to prison for up to 41 months depending on the nature of the violation.

16. I know that in addition to or in lieu of any other penalty, the judge can order restitution payments to any victim of any offense to which I plead guilty. I am also informed that, for certain crimes of violence and crimes involving fraud or deceit, it is mandatory that the judge impose restitution in the full amount of any financial loss or harm caused by an offense. If imposed, the victim can use the order of restitution to obtain a civil judgment lien. A restitution order can be enforced by the United States for up to twenty (20) years from the date of my release from imprisonment, or, if I am not imprisoned, twenty (20) years from the date of the entry of judgment. If I willfully refuse to pay restitution as ordered, a judge may resentence me to any sentence that could originally have been imposed.

17. On any fine or restitution in an amount of \$2,500 or more, I know that I will be required to pay interest unless that fine or restitution is paid within fifteen (15) days from the date of the entry of judgment or if the interest obligation is waived by the court.

18. If I am on probation, parole, or supervised release in any other state or federal case, I know that by pleading guilty here my probation, parole or supervised release may be revoked and I may be required to serve time in that case, which may be consecutive, that is, in addition to any sentence imposed on me in this court.

19. If I have another case pending in any court, I know that my Petition and Plea Agreement in this case do not, in the absence of an express and written agreement, apply to it, and that I can be faced with consecutive sentences.

A related case, CR 06-60069-AA is presently pending against me in this district. I have previously entered a guilty plea in that matter. The prosecutor and I have agreed that my sentences in the two cases should run concurrently.

20. My plea of "GUILTY" is based on the plea agreement I made with the prosecutor in case CR 06-60069-AA. I have reviewed that agreement and understand it. I knowingly and voluntarily waive discussion of that agreement in conjunction with my change of plea proceeding on this case.

21. The plea agreement in CR 06-60069-AA is the only agreement between the United States government and me. No officer or agent of any branch of government (federal, state or local) or anyone else has promised or suggested I will receive a lesser term of imprisonment, or probation, or any other form of leniency if I plead "GUILTY" except as stated in the plea agreement. I understand that I cannot rely on any promise or suggestion made to me by a government agent or officer which is not stated in writing in the plea agreement, or which is not presented to the judge in my presence in open court at the time of the entry of my plea of guilty.

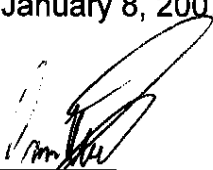
22. My plea of "GUILTY" is not the result of force, threat, or intimidation.

23. I hereby request that the judge accept my plea of "GUILTY" to the charge of Arson of a Government Building.

24. I know that the judge must be satisfied that a crime occurred and that I committed that crime before my plea of "GUILTY" can be accepted. Facts that support my plea of guilty were set forth in a portion of Attachment 1 to my plea agreement in CR 06-60069-AA. The relevant section is entitled "Eastern District of California Case Number 2:06-CR-0155 DFL – BLM Litchfield Arson." I have read and fully understand that document. I request the account contained in that section be adopted for the purposes of establishing a factual basis for my plea of guilty in this case.

25. I offer my plea of "GUILTY" freely and voluntarily and of my own accord and with a full understanding of the allegations set forth in the Indictment and with a full understanding of the statements set forth in this Petition and in the Certificate of my attorney that is attached to this Petition.

SIGNED by me in the presence of my attorney, after reading all of the foregoing pages and paragraphs of this petition on January 8, 2007.



Darren Todd Thurston

CERTIFICATE OF COUNSEL

The undersigned, as attorney for Darren Todd Thurston, hereby certifies:


1. I have fully explained to the defendant the allegations contained in the Indictment in this case, any lesser-included offense(s), and the possible defenses that may apply.

2. I have personally examined the attached Petition to Enter A Plea of Guilty and Order Entering Plea, explained all its provisions to the defendant, and discussed fully with the defendant all matters described and referred to in the Petition.

3. I have explained to the defendant the maximum penalty and other consequences of entering the pleas of guilty described in the Petition.

4. I recommend the Court accept the defendant's plea of "GUILTY."

SIGNED by me in the presence of the above-named defendant, and after full discussion with the defendant of the contents of the Petition to Enter Plea of Guilty, and any Plea Agreement, on January 8, 2007.




Daniel Lloyd Feiner
Attorney for Darren Todd Thurston

ORDER ENTERING PLEA

I find that the defendant's plea of GUILTY has been made freely and voluntarily and not out of ignorance, fear, inadvertence, or coercion. I further find the defendant has admitted facts that prove each of the necessary elements of the crime to which he has pleaded guilty.

IT IS THEREFORE ORDERED that the defendant's plea of GUILTY be accepted and entered as requested in this Petition and as recommended in the Certificate of defendant's attorney.

DATED this 8th day of January, 2007, in open court.


Hon. Ann Aiken
United States District Judge